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Attorneys for Plaintiff/Judgment Creditor  
Michael Frungillo

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Michael Frungillo,

Plaintiff,

vs.

Imperia Entertainment, Inc.; Never  
Submit, LLC; Kenneth Eade; and  
Wachovia Bank,

Defendants.

CASE No. 2:18-cv-00239-GMN-GWF

**SECOND STIPULATION  
CONTINUING EXAMINATION OF  
JUDGMENT DEBTOR VIRATECH  
CORPORATION**

**WHEREAS**, on July 18, 2018, the Court initially ordered Judgment Debtor Viratech Corp. to appear and be examined under oath on August 27, 2018 at 9:30 a.m. at the Bruce R. Thompson Federal Courthouse, 400 S. Virginia Street, Reno, Nevada 89501, at a courtroom to be determined at which time the Judgment

1 Debtor will produce books, papers, and records now in their possession or control,  
2 which evidence or indicate in any way Judgment Debtor's property, assets, and  
3 liabilities of any kind;

4 **WHEREAS**, Judgment Creditor Michael Frungillo timely served notice of  
5 the Judgment Debtor Examination on Fred Schiemann, the registered agent for  
6 service of process for Judgment Debtor. In addition, Mr. Schiemann represents  
7 and agrees that he is the proper authorized representative to appear and be  
8 examined under oath at the Judgment Debtor Examination on behalf of Judgment  
9 Debtor;

10 **WHEREAS**, due to Mr. Schiemann being out of the country and  
11 unavailable, the parties stipulated to continue the Judgment Debtor Examination  
12 and, by Order dated August 23, 2018, the Court continued the Judgment Debtor  
13 Examination to September 25, 2018 at 9:30 a.m.;

14 **WHEREAS**, Mr. Schiemann has produced and is continuing to produce  
15 significant documents pursuant to Judgment Creditor's subpoena in advance of the  
16 Judgment Debtor Examination, and Mr. Schiemann has and continues to make  
17 good faith efforts to cooperate in the production of documents in his possession,  
18 custody or control;

19 **WHEREAS**, Judgment Creditor and Mr. Schiemann agree that additional  
20 time is necessary to complete the production and review of documents within Mr.  
21 Schiemann's possession, custody and control;

22 **NOW, THEREFORE**, in the interest of efficiency and cooperation,  
23 Judgment Debtor and Mr. Schiemann hereby stipulate and agree to continue the  
24 Judgment Debtor Examination to a mutually convenient date that would permit  
25 Mr. Schiemann time to complete production of relevant documents and Judgment  
26 Debtor to review such documents. More specifically, Judgment Debtor and Mr.  
27

1 Schiemann propose the following alternative dates for the continued Judgment  
2 Debtor Examination: October 25, 26, 29, 30 and November 5, 7, 8 and 9, 2018.

3  
4 Dated: September 21, 2018

ST. JOHN, WALLACE, BRENNAN  
& FOLAN LLP

5  
6  
7 /s/ Michael R. Minguet

MICHAEL R. MINGUET, ESQ.  
CA State Bar No. 204027 (*Pro Hac Vice*)  
Attorneys for Judgment Creditor  
MICHAEL FRUNGILLO

8  
9  
10 Dated: September 21, 2018

HOFFMAN & TEST

11  
12 /s/ John W. Hoffman

13 JOHN W. HOFFMAN, ESQ.  
14 NV Bar No. 857  
15 Attorney for Fred Schiemann, registered  
16 agent for Judgment Debtor VIRATECH  
CORP.

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~~PROPOSED~~ ORDER TO  
CONTINUE EXAMINATION OF  
JUDGMENT DEBTOR VIRATECH  
CORP.

Based on the Second Stipulation to Continue Examination of Judgment Debtor Viratech Corp., and for good cause shown, the Judgment Debtor Examination currently set for September 25, 2018, is CONTINUED to

1 ~~October~~/November 5, 2018 at 9:30 a.m. at the Bruce R. Thompson Federal  
2 Courthouse, 400 S. Virginia Street, Reno, Nevada 89501, at a courtroom to be  
3 determined at which time the Judgment Debtor will produce books, papers, and  
4 records now in their possession or control, which evidence or indicate in any way  
5 Judgment Debtor's property, assets, and liabilities of any kind.

6  
7 **IT IS SO ORDERED.**

8  
9 DATED: 9/24/2018

  
UNITED STATES MAGISTRATE JUDGE